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**NOT ADMITTED TO NEW YORK BAR.
**ADMITTED IN FRANCE ONLY.

June 26, 1998

GENERAL COUNSEL
OF COPYRIGHT

JUN 26 1998

RECEIVED

BY FACSIMILE AND EXPRESS MAIL

Seth D. Greenstein, Esq.
McDermott, Will & Emery
600 13th Street, N.W.
Washington, D.C. 20005-3096

Digital Phonorecord Delivery Rate Adjustment
Proceeding, Docket No. 96-4 CARP DPRA

Dear Seth:

On May 12, 1998, we met with the Copyright Office regarding the status of our efforts to settle issues raised by your clients with regard to the above-referenced proceeding. At that meeting, we were given a deadline of June 15, 1998 to complete our negotiations and report back to the Copyright Office. On May 21, 1998, I personally presented you with a detailed written settlement proposal on behalf of my clients National Music Publishers' Association and The Harry Fox Agency, Inc. That proposal was a further iteration of an earlier proposal I had sent you some weeks before. When I gave you our May 21 proposal, I reminded you that we had a

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Seth D. Greenstein, Esq.

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deadline of June 15, 1998 to get back to the Copyright Office. You acknowledged your awareness of that deadline.

Since that date, we have yet to receive any response from you or your clients with regard to our proposal. Instead on June 15 -- the last day we had to get back to the Copyright Office -- you advised me that your clients were still reviewing the proposal, that you were "optimistic" about reaching a settlement and that you needed an additional two weeks for that purpose. Based on that representation, we agreed to join you in seeking a two-week extension. Since it was your clients that needed additional time, I asked that you write to the Copyright Office to request the extension. On that same day, you wrote to the Copyright Office requesting an extension of time until June 30, 1998 "to assist the parties in concluding their negotiations." In your letter, you represented to the Copyright Office as follows:

Since our meeting on [May 12, 1998], the parties have continued to exchange possible settlement terms. Substantial progress has been made toward potential resolution without need of arbitration by these parties. Specific terms including finer points of a potential agreement are now under review. Although the parties have not yet reached agreement, a short additional time period would allow the parties to consider and respond to the last set of offers placed on the table by each side."

Despite that representation, neither you nor your clients has responded to the written proposal I gave you on May 21. Last week, I sent you an e-mail (as we had previously corresponded) suggesting that we meet in person to discuss any issues your clients may have concerning our proposal. This week, on Monday and again yesterday morning, I called your office to discuss this matter. On each occasion, I was told you were not available and left messages requesting that you call me back. You have yet to return those calls. It is now Friday, June 26, and we again face an imminent deadline, next Tuesday, June 30 -- the date you requested, to report to the Copyright Office.

On behalf of my clients, I have done everything I can to try to achieve a settlement of the issues your client has raised in this proceeding. We have long

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Seth D. Greenstein, Esq.

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since reached agreement with all the other parties to this proceeding. I would appreciate a response to our May 21 proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey Ramos", written in a cursive style.

Carey R. Ramos

cc: David O. Carson, Esq.
Steven R. Englund, Esq.
Bruce G. Joseph, Esq.
Michael J. Remington, Esq.
Cary H. Sherman, Esq.

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FACSIMILE COVER LETTER

GENERAL COUNSEL
OF COURTESY

JUN 26 1998

FROM: Carey R. Ramos

DATE: June 26, 1998 **RECEIVED**

TOTAL NUMBER OF PAGES: 4 (Including Cover Sheet)

TO THE FOLLOWING:

<u>NAME</u>	<u>FIRM/COMPANY</u>	<u>FAX NO.</u> (list alt. where possible)	<u>Time Sent</u>
Seth D. Greenstein	McDermott, Will & Emery	202-756-8128	
David O. Carson	Copyright Office	202-707-8366	
Steven R. Englund	Arnold & Porter	202-942-5999	
Bruce G. Joseph	Wiley, Rein & Fielding	202-429-7049	
Michael J. Remington	Drinker, Piddle & Reath	202-289-5390	
Cary H. Sherman	RIAA	202-775-7253	

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COMMENT/MESSAGE:

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If transmission is incomplete, or you have other questions, please call: (212) 373-3240

Operator: _____